In the High Court of Punjab and Haryana at Chandigarh.

Civil Revision No.5624 of 2006.

Date of decision:18.1.2007.

Smt.Pushap Lata Sexena and another.

...Petitioners.

Versus

Punjab Urban Planning and Development Authority and another.

...Respondents.

...

Coram: Hon'ble Mr. Justice S. N. Aggarwal.

...

Present: Mr.Vivek Suri Advoate for the petitioners.

Mr.R.K.Khosla Advocate for the respondents.

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Judgment.

S. N. Aggarwal, J.

The petitioners had filed civil suit for permanent injunction for restraining the respondents from interfering in the right of approach of the petitioners through the rear side gate and from demolishing/closing the same illegally and forcibly. It was pleaded by the petitioners that their house was built on a corner plot and there was rear gate in the said house which was duly sanctioned by the respondents in the site plan but now the respondents were adamant to close the rear gate of the house of the petitioners. Hence, injunction was prayed. An application for interim stay during the pendency of civil suit was also made.

The said suit was contested by the respondents on the plea that although the house of the petitioners was built on a corner plot but there was no provision for rear gate in the said house. It was also pleaded that the petitioners had tampered with the sanctioned plan. In reality, no rear gate was approved in the sanctioned plan but the petitioners have tampered with the said plan and have introduced a rear gate of the house of the petitioners in the sanctioned plan which is in their possession. The application for interim stay was also contested.

The said application was dismissed by the learned trial Court vide impugned order dated 15.6.2006.

The petitioners filed an appeal. It was also dismissed by the learned Lower Appellate Court vide order dated 2.9.2006.

Hence, the present petition.

The submission of learned counsel for the petitioners was since the house of the petitioners was built on a corner plot,therefore, they have the privilege to use the green belt by having the rear gate in their house. It was also submitted that rear gate was approved by the respondents in the plan which was sanctioned by them.

This submission has been countered by the learned counsel for the respondents.

Both the Courts below have held that there was no rear gate in the sanctioned plan relating to the house of the petitioners and the petitioners have tampered with the sanctioned plan in their possession.

Since there is no rear gate in the house of the petitioners in the sanctioned plan, therefore, the petitioners are not legally entitled to have an opening in the green belt by making a rear gate in their house.

Prima facie,therefore, there is nothing on the file to interfere with the findings recorded by the Courts below in the impugned orders.

There is no merit in the present petition and the same is dismissed.

January 18,2007. **(S. N. Aggarwal)**
Jaggi **Judge**